

Message Text

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13

ACTION EA-14

INFO OCT-01 ISO-00 DODE-00 H-03 CIAE-00 INR-10 NSAE-00

RSC-01 PM-07 SSO-00 INRE-00 DRC-01 /037 W

----- 018366

O R 170447Z DEC 73

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE 0026

INFO AMEMBASSY PHNOM PENH

AMEMBASSY VIENTIANE

UNCLAS SAIGON 21030

E.O. 11652: N/A

TAGS: EAID, CB, VS

SUB: NEAK LUONG AFTERMATH

REF: STATE 245454

1. AS A RESULT OF WITHDRAWAL OF US FORCES FROM VIET NAM, MOST MACV RECORDS HAVE BEEN RETIRED TO US. REGRET, THEREFORE, SAIGON UNABLE TO PROVIDE PRECISE ANSWERS TO QUESTIONS REFTEL. DOD MAY BE ABLE TO PROVIDE MORE DETAILED ANSWERS.

2. SETTLEMENT OF CLAIMS - NOT SOLATIUM PAYMENTS - ARE COVERED UNDER THE FOREIGN CLAIMS ACT (10 USC 2734), A MAJOR LIMITATION OF WHICH IS THAT THE INCIDENT UPON WHICH THE CLAIM IS BASED MUST NOT, REPEAT NOT, BE COMBAT RELATED.

3. THROUGH THE WAR VICTIMS DIRECTORATE OF THE MINISTRY OF SOCIAL WELFARE, THE GVN HANDLES CLAIMS ARISING FROM ANY COMBAT ACTION WHETHER INITIATED BY FRIENDLY OR ENEMY FORCES AS A PART OF ITS NORMAL FUNCTIONS.

4. WHILE THE LACK OF RECORDS IN VIET NAM PREVENTS A DIRECT ANSWER TO QUESTION 2. B REFTEL, SOLATIUM COULD HAVE BEEN PAID TO VICTIMS OF BOMBA DAMAGE. PAYMENT OF SOLATIA IN SUCH CASES WOULD NOT REPEAT NOT HAVE PRECLUDED THE SUBMISSION OF CLAIMS OR THEIR ADJUDICATION AS PROVIDED IN THE OREIGN CLAIMS ACT.

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TM CLAIMS-NOT SOLATIA PAYMENTS--FOR DESTROYED BUILDINGS, ASSUMING THEY

MET THE LIMITATION MENTIONED ABOVE, WERE SETTLED AT FAIR
MARKET VALUE, I.E., REASONABLE COST OF REPLACEMENT TO NEAR
ORIGINAL CONDITION, TAKING INTO CONSIDERATION REASONABLE DEPRECIATION,

AND OTHER PERTINENT FACTORS SUCH AS USE AND LOCATION.

6. THERE IS NO KNOWN INSTANCE IN VIET NAM WHERE WAR VICTIMS,
WHETHER OR NOT QUALIFYING FOR A SOLATIUM PAYMENT OR A CLAIM UNDER
THE FOREIGN CLAIMS ACT, WERE REFUSED MEDICAL SERVICE WITHIN THE
RESOURCES OF THE US MILITARY AS A RESULT OF BEING A WAR VICTIM.

7. IN SOUTH VIET NAM, SOLATIUM PAYMENTS HAVE BEEN MADE IN SITUATIONS
WHICH THE USG SOMEHOW HAS BEEN INVOLVED THROUGH MILITARY OR NON-
MILITARY PERSONNEL. MACV, THROUGH ITS HEADQUARTERS AND AUTHORIZED
FIELD PERSONNEL, MADE SOLATIUM PAYMENTS, BUT RECORDS OF SAME ARE
NOT AVAILABLE IN VIET NAM. IT IS ASSUMED THAT SUCH RECORDS HAVE
BEEN RETIRED TO THE UNITED STATES. IN ANY EVENT SOLATIA INVOLVED
ONLY SMALL SUMS TO EXPRESS REGRET AND SYMPATHY. THEY DID NOT
ADMIT LIABILITY AND WERE NOT INTENDED AS RESTITUTION.
BENNETT

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BOMBING, ACCIDENTAL ATTACK, PROPERTY WAR CLAIMS
Control Number: n/a
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Draft Date: 17 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
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Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1973/newtext/t19731221/aaaaaexc.tel
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